COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

OFFICE CORRESPONDENCE

Date: August 4, 1995

FROM: WILLIAM T. STONICH, COMMANDER
PROFESSIONAL STANDARDS
AND TRAINING DIVISION

TO: ARTHUR E. HERRERA, CAPTAIN
CENTURY STATION

SUBJECT: **FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS -- HIT SHOOTING, NOVEMBER 5, 1994, PSTD # 008427**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force which occurred on November 5, 1994.

The committee met on August 3, 1995, and consisted of myself and Commanders Kramer (FOR III) and Gomez (FOR II). We determined that the use of force by Deputies Joseph Barbosa, #[redacted] Bruce Chase, #[redacted] Ernest Chavez, #[redacted] Chase Duerr, #[redacted] Howard Fuchs, #[redacted] Michael Hanneman, #[redacted] Chris Marks, #[redacted] Joseph Miskevics, #[redacted] Michael Modica, #[redacted] Carlos Parga, #[redacted] Michael Patterson, #[redacted] George Sakabu, #[redacted] Daniel White, #[redacted] was within policy. Please advise the deputies of this finding.

The review committee recommends that you conduct a debriefing with the deputies concerning the tactics employed in this volatile situation, specifically as they relate to shooting backgrounds and fire contagion. The committee further requests that you commend the deputies for their actions in this most difficult and dangerous situation and recognize that, if not for their actions, the outcome could have been far more tragic.

Accompanying this memo is the original PSTD Response Team package which contains the IAB and Training Bureau reports. Please evaluate the included material and complete and sign the enclosed form documenting your recommendations and actions. The package should be forwarded to me through your division chief within 30 days.

WTS:jph

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

DEPUTY INVOLVED

SHOOTER

EMPLOYEE'S NAME		
BARBOSA, Joseph		

RANK	EMPLOYEE NO.	UNIT AND DIVISION / REGION OF ASSIGNMENT
Deputy	[redacted]	Century Station / Field Operations Region II

SEX	RACE	HEIGHT	WEIGHT	DATE OF BIRTH	AGE
M	White	6'04"	250	[redacted]	[redacted]

DUTY STATUS	HIRE DATE
On duty	01-07-87

UNIFORM	RAID JACKET	PLAIN CLOTHES	VEST
YES	NO	NO	YES

INJURED	DECEASED	CORONER'S CASE NO.
NO	N/A	N/A

DESCRIPTION OF INJURIES
NONE

WAS THE DEPUTY IMMEDIATELY REMOVED FROM THE SCENE? YES [X] NO [ ]

WAS THE DEPUTY SEQUESTERED PRIOR TO THE INTERVIEW? YES [X] NO [ ]

WHERE? CENTURY STATION

SUPERVISED BY: SGT. JOHN MCQUAY AND SGT. DAVE FORMANSKI

WEAPON USED

TYPE	AUTHORIZED
BERETTA 9MM, MODEL 92F	YES

AMMUNITION TYPE	AUTHORIZED
WINCHESTER 9MM, LUGER	YES

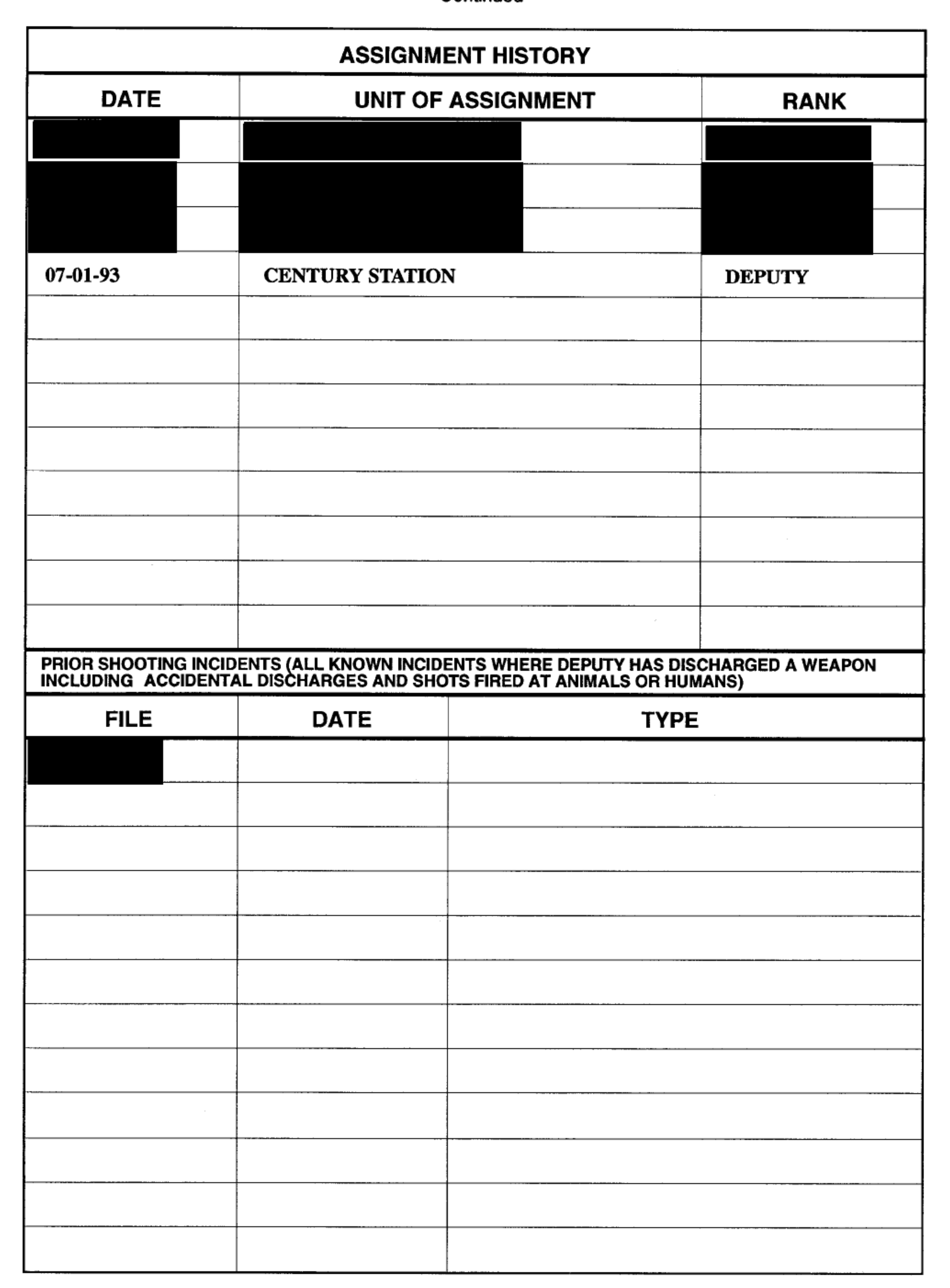
RANGE QUALIFICATION (LAST DATE)	NO. OF ROUNDS FIRED BY DEPUTY	NO. OF HITS
[redacted]	4	UNKNOWN

DEPUTY'S TOXICOLOGY

UNDER THE INFLUENCE	TEST FOR CAUSE ORDERED	ORDERED BY
N/A	NO	N/A

TRAINING INFORMATION

LASER VILLAGE TRAINING (LAST DATE)	PRACTICAL POLICE COURSE (LAST DATE)
[redacted]	[redacted]



ASSIGNMENT HISTORY		
DATE	**UNIT OF ASSIGNMENT**	**RANK**
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
07-01-93	CENTURY STATION	DEPUTY

PRIOR SHOOTING INCIDENTS (ALL KNOWN INCIDENTS WHERE DEPUTY HAS DISCHARGED A WEAPON INCLUDING ACCIDENTAL DISCHARGES AND SHOTS FIRED AT ANIMALS OR HUMANS)

FILE	DATE	TYPE
[redacted]		

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

DEPUTY INVOLVED

SHOOTER

EMPLOYEE'S NAME		
CHASE, Bruce		

RANK	EMPLOYEE NO.	UNIT AND DIVISION / REGION OF ASSIGNMENT
Deputy	[redacted]	Century Station / Field Operations Region II

SEX	RACE	HEIGHT	WEIGHT	DATE OF BIRTH	AGE
M	White	5'10"	165	[redacted]	[redacted]

DUTY STATUS	HIRE DATE
On duty	09-07-88

UNIFORM	RAID JACKET	PLAIN CLOTHES	VEST
YES	NO	NO	YES

INJURED	DECEASED	CORONER'S CASE NO.
NO	N/A	N/A

DESCRIPTION OF INJURIES
NONE

WAS THE DEPUTY IMMEDIATELY REMOVED FROM THE SCENE? YES [X] NO [ ]

WAS THE DEPUTY SEQUESTERED PRIOR TO THE INTERVIEW? YES [X] NO [ ]

WHERE? CENTURY STATION

SUPERVISED BY: SGT. JOHN MCQUAY AND SGT. DAVE FORMANSKI

WEAPON USED

TYPE	AUTHORIZED
BERETTA 9MM, MODEL 92F	YES

AMMUNITION TYPE	AUTHORIZED
WINCHESTER 9MM, LUGER	YES

RANGE QUALIFICATION (LAST DATE)	NO. OF ROUNDS FIRED BY DEPUTY	NO. OF HITS
[redacted]	11	UNKNOWN

DEPUTY'S TOXICOLOGY

UNDER THE INFLUENCE	TEST FOR CAUSE ORDERED	ORDERED BY
N/A	NO	N/A

TRAINING INFORMATION

LASER VILLAGE TRAINING (LAST DATE)	PRACTICAL POLICE COURSE (LAST DATE)
[redacted]	[redacted]

ASSIGNMENT HISTORY		
DATE	**UNIT OF ASSIGNMENT**	**RANK**
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
03-20-94	CENTURY STATION	DEPUTY

PRIOR SHOOTING INCIDENTS (ALL KNOWN INCIDENTS WHERE DEPUTY HAS DISCHARGED A WEAPON INCLUDING ACCIDENTAL DISCHARGES AND SHOTS FIRED AT ANIMALS OR HUMANS)		
FILE	**DATE**	**TYPE**
[redacted]		

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

DEPUTY INVOLVED

SHOOTER

EMPLOYEE'S NAME					
CHAVEZ, Ernest					

RANK	EMPLOYEE NO.	UNIT AND DIVISION / REGION OF ASSIGNMENT
Deputy	[redacted]	Century Station / Field Operations Region II

SEX	RACE	HEIGHT	WEIGHT	DATE OF BIRTH	AGE
M	Hispanic	5'09"	180	[redacted]	[redacted]

DUTY STATUS	HIRE DATE
On duty	07-23-86

UNIFORM	RAID JACKET	PLAIN CLOTHES	VEST
YES	NO	NO	YES

INJURED	DECEASED	CORONER'S CASE NO.
NO	N/A	N/A

DESCRIPTION OF INJURIES
NONE

WAS THE DEPUTY IMMEDIATELY REMOVED FROM THE SCENE? YES [X] NO [ ]

WAS THE DEPUTY SEQUESTERED PRIOR TO THE INTERVIEW? YES [X] NO [ ]
WHERE? CENTURY STATION
SUPERVISED BY: SGT. JOHN MCQUAY AND SGT. DAVE FORMANSKI

WEAPON USED

TYPE	AUTHORIZED
BERETTA 9MM, MODEL 92F ITHACA SHOTGUN	YES YES
AMMUNITION TYPE	**AUTHORIZED**
WINCHESTER 9MM, LUGER	YES

RANGE QUALIFICATION (LAST DATE)	NO. OF ROUNDS FIRED BY DEPUTY	NO. OF HITS
[redacted]	15 9mm 4 Shotgun	UNKNOWN

DEPUTY'S TOXICOLOGY

UNDER THE INFLUENCE	TEST FOR CAUSE ORDERED	ORDERED BY
N/A	NO	N/A

TRAINING INFORMATION

LASER VILLAGE TRAINING (LAST DATE)	PRACTICAL POLICE COURSE (LAST DATE)
[redacted]	[redacted]

ASSIGNMENT HISTORY

DATE	UNIT OF ASSIGNMENT	RANK
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
07-01-93	CENTURY STATION	DEPUTY

PRIOR SHOOTING INCIDENTS (ALL KNOWN INCIDENTS WHERE DEPUTY HAS DISCHARGED A WEAPON INCLUDING ACCIDENTAL DISCHARGES AND SHOTS FIRED AT ANIMALS OR HUMANS)

FILE	DATE	TYPE
IV001624	08-04-91	On-duty shooting. Shots fired at 187PC suspect,
		suspect wounded.

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

DEPUTY INVOLVED

SHOOTER

EMPLOYEE'S NAME: DUERR, Chase					
RANK: Deputy	EMPLOYEE NO.: [redacted]	UNIT AND DIVISION / REGION OF ASSIGNMENT: Century Station / Field Operations Region II			
SEX: M	RACE: White	HEIGHT: 5'11"	WEIGHT: 180	DATE OF BIRTH: [redacted]	AGE: [redacted]
DUTY STATUS: On duty				HIRE DATE: 05-15-88	
UNIFORM: YES	RAID JACKET: NO	PLAIN CLOTHES: NO		VEST: YES	
INJURED: NO			DECEASED: N/A	CORONER'S CASE NO.: N/A	
DESCRIPTION OF INJURIES: NONE					

WAS THE DEPUTY IMMEDIATELY REMOVED FROM THE SCENE? YES [X] NO [ ]

WAS THE DEPUTY SEQUESTERED PRIOR TO THE INTERVIEW? YES [X] NO [ ]

WHERE? CENTURY STATION

SUPERVISED BY: SGT. JOHN MCQUAY AND SGT. DAVE FORMANSKI

WEAPON USED

TYPE: BERETTA 9MM, MODEL 92F	AUTHORIZED: YES	
AMMUNITION TYPE: WINCHESTER 9MM, LUGER	AUTHORIZED: YES	
RANGE QUALIFICATION (LAST DATE): [redacted]	NO. OF ROUNDS FIRED BY DEPUTY: 1	NO. OF HITS: UNKNOWN

DEPUTY'S TOXICOLOGY

UNDER THE INFLUENCE: N/A	TEST FOR CAUSE ORDERED: NO	ORDERED BY: N/A

TRAINING INFORMATION

LASER VILLAGE TRAINING (LAST DATE): [redacted]	PRACTICAL POLICE COURSE (LAST DATE): [redacted]

DEPUTY INVOLVED
Continued

ASSIGNMENT HISTORY

DATE	UNIT OF ASSIGNMENT	RANK
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
07-01-93	CENTURY STATION	DEPUTY

PRIOR SHOOTING INCIDENTS (ALL KNOWN INCIDENTS WHERE DEPUTY HAS DISCHARGED A WEAPON INCLUDING ACCIDENTAL DISCHARGES AND SHOTS FIRED AT ANIMALS OR HUMANS)

FILE	DATE	TYPE
[redacted]		

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

DEPUTY INVOLVED

SHOOTER

EMPLOYEE'S NAME **FUCHS, Howard**						
RANK **Deputy**		EMPLOYEE NO. [redacted]	UNIT AND DIVISION / REGION OF ASSIGNMENT **Century Station / Field Operations Region II**			
SEX **M**	RACE **White**	HEIGHT **5'11"**	WEIGHT **170**	DATE OF BIRTH [redacted]		AGE [redacted]
DUTY STATUS **On duty**					HIRE DATE **11-30-88**	
UNIFORM **YES**	RAID JACKET **NO**	PLAIN CLOTHES **NO**			VEST **YES**	
INJURED **NO**				DECEASED **N/A**	CORONER'S CASE NO. **N/A**	
DESCRIPTION OF INJURIES **NONE**						

WAS THE DEPUTY IMMEDIATELY REMOVED FROM THE SCENE? YES [X] NO [ ]

WAS THE DEPUTY SEQUESTERED PRIOR TO THE INTERVIEW? YES [X] NO [ ]

WHERE? **CENTURY STATION**

SUPERVISED BY: **SGT. JOHN MCQUAY AND SGT. DAVE FORMANSKI**

WEAPON USED

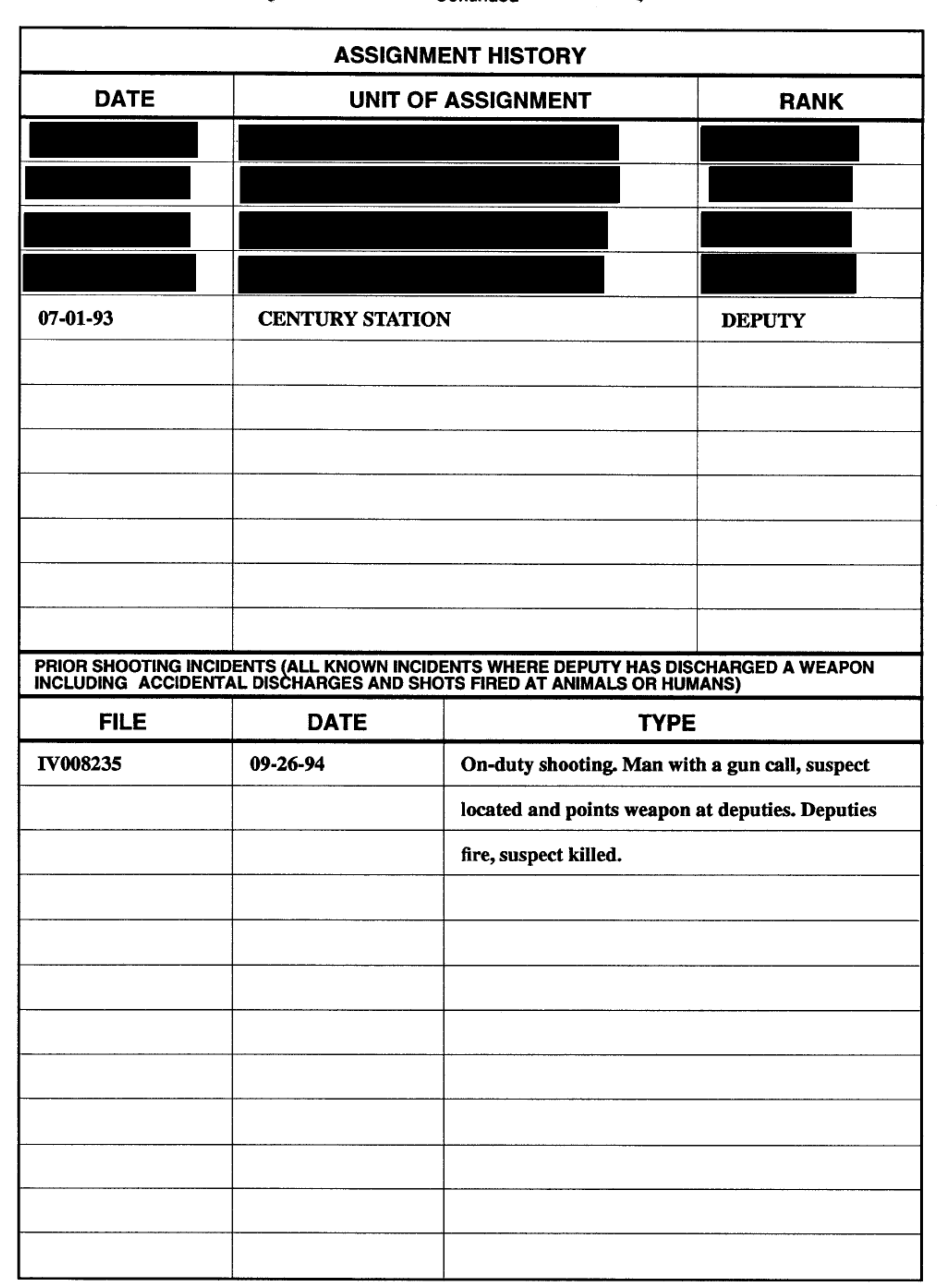
TYPE **BERETTA 9MM, MODEL 92F**	AUTHORIZED **YES**	
AMMUNITION TYPE **WINCHESTER 9MM, LUGER**	AUTHORIZED **YES**	
RANGE QUALIFICATION (LAST DATE) [redacted]	NO. OF ROUNDS FIRED BY DEPUTY **6**	NO. OF HITS **UNKNOWN**

DEPUTY'S TOXICOLOGY

UNDER THE INFLUENCE **N/A**	TEST FOR CAUSE ORDERED **NO**	ORDERED BY **N/A**

TRAINING INFORMATION

LASER VILLAGE TRAINING (LAST DATE) [redacted]	PRACTICAL POLICE COURSE (LAST DATE) [redacted]



ASSIGNMENT HISTORY		
DATE	**UNIT OF ASSIGNMENT**	**RANK**
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
07-01-93	CENTURY STATION	DEPUTY

PRIOR SHOOTING INCIDENTS (ALL KNOWN INCIDENTS WHERE DEPUTY HAS DISCHARGED A WEAPON INCLUDING ACCIDENTAL DISCHARGES AND SHOTS FIRED AT ANIMALS OR HUMANS)

FILE	DATE	TYPE
IV008235	09-26-94	On-duty shooting. Man with a gun call, suspect
		located and points weapon at deputies. Deputies
		fire, suspect killed.

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

DEPUTY INVOLVED

SHOOTER

EMPLOYEE'S NAME		
HANNEMAN, Michael		

RANK	EMPLOYEE NO.	UNIT AND DIVISION / REGION OF ASSIGNMENT
Deputy	[redacted]	Century Station / Field Operations Region II

SEX	RACE	HEIGHT	WEIGHT	DATE OF BIRTH	AGE
M	White	6'00"	170	[redacted]	[redacted]

DUTY STATUS	HIRE DATE
On duty	02-01-89

UNIFORM	RAID JACKET	PLAIN CLOTHES	VEST
YES	NO	NO	YES

INJURED	DECEASED	CORONER'S CASE NO.
NO	N/A	N/A

DESCRIPTION OF INJURIES
NONE

WAS THE DEPUTY IMMEDIATELY REMOVED FROM THE SCENE? YES [X] NO [ ]

WAS THE DEPUTY SEQUESTERED PRIOR TO THE INTERVIEW? YES [X] NO [ ]

WHERE? CENTURY STATION

SUPERVISED BY: SGT. JOHN MCQUAY AND SGT. DAVE FORMANSKI

WEAPON USED

TYPE	AUTHORIZED
BERETTA 9MM, MODEL 92F	YES

AMMUNITION TYPE	AUTHORIZED
WINCHESTER 9MM, LUGER	YES

RANGE QUALIFICATION (LAST DATE)	NO. OF ROUNDS FIRED BY DEPUTY	NO. OF HITS
[redacted]	10	UNKNOWN

DEPUTY'S TOXICOLOGY

UNDER THE INFLUENCE	TEST FOR CAUSE ORDERED	ORDERED BY
N/A	NO	N/A

TRAINING INFORMATION

LASER VILLAGE TRAINING (LAST DATE)	PRACTICAL POLICE COURSE (LAST DATE)
[redacted]	[redacted]

ASSIGNMENT HISTORY

DATE	UNIT OF ASSIGNMENT	RANK
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
07-01-93	CENTURY STATION	DEPUTY

PRIOR SHOOTING INCIDENTS (ALL KNOWN INCIDENTS WHERE DEPUTY HAS DISCHARGED A WEAPON INCLUDING ACCIDENTAL DISCHARGES AND SHOTS FIRED AT ANIMALS OR HUMANS)

FILE	DATE	TYPE
IV002653	06-01-92	On-duty shooting. Drive-by shooting suspects
		pursued by deputies. Suspect vehicle crashes,
		suspects flee and believed to be armed. Deputies fire
		and wound two suspects.

LOS ANG ES COUNTY - SHERIFF'S [ ]ARTMENT

DEPUTY INVOLVED

SHOOTER						
EMPLOYEE'S NAME MARKS, Chris						
RANK Deputy	EMPLOYEE NO. [redacted]	UNIT AND DIVISION / REGION OF ASSIGNMENT Century Station / Field Operations Region II				
SEX M	RACE White	HEIGHT 6'00"	WEIGHT 185	DATE OF BIRTH [redacted]	AGE [redacted]	
DUTY STATUS On duty				HIRE DATE 06-05-87		
UNIFORM YES	RAID JACKET NO	PLAIN CLOTHES NO		VEST YES		
INJURED NO		DECEASED N/A	CORONER'S CASE NO. N/A			
DESCRIPTION OF INJURIES NONE						

WAS THE DEPUTY IMMEDIATELY REMOVED FROM THE SCENE? YES [X] NO [ ]

WAS THE DEPUTY SEQUESTERED PRIOR TO THE INTERVIEW? YES [X] NO [ ]

WHERE? CENTURY STATION

SUPERVISED BY: SGT. JOHN MCQUAY AND SGT. DAVE FORMANSKI

WEAPON USED		
TYPE BERETTA 9MM, MODEL 92F	AUTHORIZED YES	
AMMUNITION TYPE WINCHESTER 9MM, LUGER	AUTHORIZED YES	
RANGE QUALIFICATION (LAST DATE) [redacted]	NO. OF ROUNDS FIRED BY DEPUTY 14	NO. OF HITS UNKNOWN

DEPUTY'S TOXICOLOGY		
UNDER THE INFLUENCE N/A	TEST FOR CAUSE ORDERED NO	ORDERED BY N/A

TRAINING INFORMATION	
LASER VILLAGE TRAINING (LAST DATE) [redacted]	PRACTICAL POLICE COURSE (LAST DATE) [redacted]

ASSIGNMENT HISTORY

DATE	UNIT OF ASSIGNMENT	RANK
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
07-01-93	CENTURY	DEPUTY

PRIOR SHOOTING INCIDENTS (ALL KNOWN INCIDENTS WHERE DEPUTY HAS DISCHARGED A WEAPON INCLUDING ACCIDENTAL DISCHARGES AND SHOTS FIRED AT ANIMALS OR HUMANS)

FILE	DATE	TYPE
[redacted]		

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

DEPUTY INVOLVED

SHOOTER

EMPLOYEE'S NAME		
MISKEVICS, Joseph		

RANK	EMPLOYEE NO.	UNIT AND DIVISION / REGION OF ASSIGNMENT
Deputy	[redacted]	Century Station / Field Operations Region II

SEX	RACE	HEIGHT	WEIGHT	DATE OF BIRTH	AGE
M	White	6'01"	195	[redacted]	[redacted]

DUTY STATUS	HIRE DATE
On duty	03-23-88

UNIFORM	RAID JACKET	PLAIN CLOTHES	VEST
YES	NO	NO	YES

INJURED	DECEASED	CORONER'S CASE NO.
NO	N/A	N/A

DESCRIPTION OF INJURIES
NONE

WAS THE DEPUTY IMMEDIATELY REMOVED FROM THE SCENE? YES [X] NO [ ]

WAS THE DEPUTY SEQUESTERED PRIOR TO THE INTERVIEW? YES [X] NO [ ]

WHERE? CENTURY STATION

SUPERVISED BY: SGT. JOHN MCQUAY AND SGT. DAVE FORMANSKI

WEAPON USED

TYPE	AUTHORIZED
BERETTA 9MM, MODEL 92F	YES

AMMUNITION TYPE	AUTHORIZED
WINCHESTER 9MM, LUGER	YES

RANGE QUALIFICATION (LAST DATE)	NO. OF ROUNDS FIRED BY DEPUTY	NO. OF HITS
[redacted]	9	UNKNOWN

DEPUTY'S TOXICOLOGY

UNDER THE INFLUENCE	TEST FOR CAUSE ORDERED	ORDERED BY
N/A	NO	N/A

TRAINING INFORMATION

LASER VILLAGE TRAINING (LAST DATE)	PRACTICAL POLICE COURSE (LAST DATE)
[redacted]	[redacted]

ASSIGNMENT HISTORY

DATE	UNIT OF ASSIGNMENT	RANK
[redacted]	[redacted]	[redacted]
07-01-93	CENTURY	DEPUTY
[redacted]	[redacted]	[redacted]

PRIOR SHOOTING INCIDENTS (ALL KNOWN INCIDENTS WHERE DEPUTY HAS DISCHARGED A WEAPON INCLUDING ACCIDENTAL DISCHARGES AND SHOTS FIRED AT ANIMALS OR HUMANS)

FILE	DATE	TYPE
IV008235	06-01-92	On-duty shooting. Man with a gun call, suspect located and points weapon at deputies. Deputies fire, suspect killed.

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

DEPUTY INVOLVED

SHOOTER

EMPLOYEE'S NAME		
MODICA, Michael		

RANK	EMPLOYEE NO.	UNIT AND DIVISION / REGION OF ASSIGNMENT
Deputy	[redacted]	Century Station / Field Operations Region II

SEX	RACE	HEIGHT	WEIGHT	DATE OF BIRTH	AGE
M	White	5'11"	180	[redacted]	[redacted]

DUTY STATUS	HIRE DATE
On duty	10-19-88

UNIFORM	RAID JACKET	PLAIN CLOTHES	VEST
YES	NO	NO	YES

INJURED	DECEASED	CORONER'S CASE NO.
NO	N/A	N/A

DESCRIPTION OF INJURIES
NONE

WAS THE DEPUTY IMMEDIATELY REMOVED FROM THE SCENE? YES [X] NO [ ]

WAS THE DEPUTY SEQUESTERED PRIOR TO THE INTERVIEW? YES [X] NO [ ]

WHERE? CENTURY STATION

SUPERVISED BY: SGT. JOHN MCQUAY AND SGT. DAVE FORMANSKI

WEAPON USED

TYPE	AUTHORIZED
BERETTA 9MM, MODEL 92F	YES

AMMUNITION TYPE	AUTHORIZED
WINCHESTER 9MM, LUGER	YES

RANGE QUALIFICATION (LAST DATE)	NO. OF ROUNDS FIRED BY DEPUTY	NO. OF HITS
[redacted]	6	UNKNOWN

DEPUTY'S TOXICOLOGY

UNDER THE INFLUENCE	TEST FOR CAUSE ORDERED	ORDERED BY
N/A	NO	N/A

TRAINING INFORMATION

LASER VILLAGE TRAINING (LAST DATE)	PRACTICAL POLICE COURSE (LAST DATE)
[redacted]	[redacted]

DEPUTY INVOLVED
Continued

ASSIGNMENT HISTORY

DATE	UNIT OF ASSIGNMENT	RANK
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
09-12-93	CENTURY	DEPUTY

PRIOR SHOOTING INCIDENTS (ALL KNOWN INCIDENTS WHERE DEPUTY HAS DISCHARGED A WEAPON INCLUDING ACCIDENTAL DISCHARGES AND SHOTS FIRED AT ANIMALS OR HUMANS)

FILE	DATE	TYPE
[redacted]		

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

DEPUTY INVOLVED

SHOOTER

EMPLOYEE'S NAME		
PARGA, Carlos		

RANK	EMPLOYEE NO.	UNIT AND DIVISION / REGION OF ASSIGNMENT
Deputy	[redacted]	Century Station / Field Operations Region II

SEX	RACE	HEIGHT	WEIGHT	DATE OF BIRTH	AGE
M	Hispanic	5'11"	150	[redacted]	[redacted]

DUTY STATUS	HIRE DATE
On duty	07-29-88

UNIFORM	RAID JACKET	PLAIN CLOTHES	VEST
YES	NO	NO	YES

INJURED	DECEASED	CORONER'S CASE NO.
NO	N/A	N/A

DESCRIPTION OF INJURIES
NONE

WAS THE DEPUTY IMMEDIATELY REMOVED FROM THE SCENE? YES [X] NO [ ]

WAS THE DEPUTY SEQUESTERED PRIOR TO THE INTERVIEW? YES [X] NO [ ]

WHERE? CENTURY STATION

SUPERVISED BY: SGT. JOHN MCQUAY AND SGT. DAVE FORMANSKI

WEAPON USED

TYPE	AUTHORIZED
BERETTA 9MM, MODEL 92F	YES

AMMUNITION TYPE	AUTHORIZED
WINCHESTER 9MM, LUGER	YES

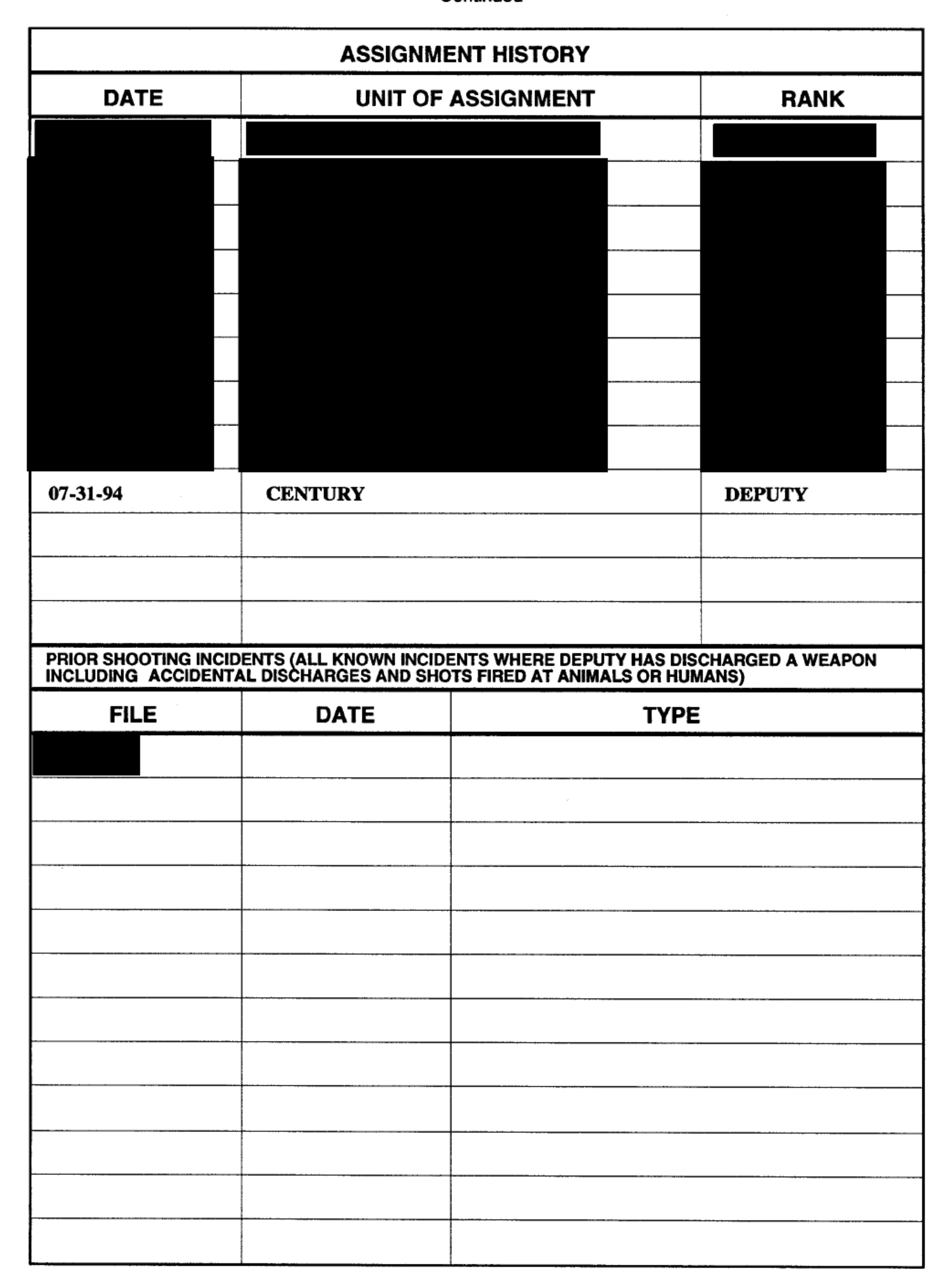
RANGE QUALIFICATION (LAST DATE)	NO. OF ROUNDS FIRED BY DEPUTY	NO. OF HITS
[redacted]	3	UNKNOWN

DEPUTY'S TOXICOLOGY

UNDER THE INFLUENCE	TEST FOR CAUSE ORDERED	ORDERED BY
N/A	NO	N/A

TRAINING INFORMATION

LASER VILLAGE TRAINING (LAST DATE)	PRACTICAL POLICE COURSE (LAST DATE)
[redacted]	[redacted]



DEPUTY INVOLVED
Continued

ASSIGNMENT HISTORY		
DATE	**UNIT OF ASSIGNMENT**	**RANK**
[redacted]	[redacted]	[redacted]
07-31-94	CENTURY	DEPUTY

PRIOR SHOOTING INCIDENTS (ALL KNOWN INCIDENTS WHERE DEPUTY HAS DISCHARGED A WEAPON INCLUDING ACCIDENTAL DISCHARGES AND SHOTS FIRED AT ANIMALS OR HUMANS)

FILE	DATE	TYPE
[redacted]		

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

DEPUTY INVOLVED

SHOOTER

EMPLOYEE'S NAME		
PATTERSON, Michael		

RANK	EMPLOYEE NO.	UNIT AND DIVISION / REGION OF ASSIGNMENT
Deputy	[redacted]	Century Station / Field Operations Region II

SEX	RACE	HEIGHT	WEIGHT	DATE OF BIRTH	AGE
M	White	6'01"	195	[redacted]	[redacted]

DUTY STATUS	HIRE DATE
On duty	09-23-87

UNIFORM	RAID JACKET	PLAIN CLOTHES	VEST
YES	NO	NO	YES

INJURED	DECEASED	CORONER'S CASE NO.
NO	N/A	N/A

DESCRIPTION OF INJURIES
NONE

WAS THE DEPUTY IMMEDIATELY REMOVED FROM THE SCENE? YES [X] NO [ ]

WAS THE DEPUTY SEQUESTERED PRIOR TO THE INTERVIEW? YES [X] NO [ ]

WHERE? CENTURY STATION

SUPERVISED BY: SGT. JOHN MCQUAY AND SGT. DAVE FORMANSKI

WEAPON USED

TYPE	AUTHORIZED
BERETTA 9MM, MODEL 92F	YES

AMMUNITION TYPE	AUTHORIZED
WINCHESTER 9MM, LUGER	YES

RANGE QUALIFICATION (LAST DATE)	NO. OF ROUNDS FIRED BY DEPUTY	NO. OF HITS
[redacted]	4	UNKNOWN

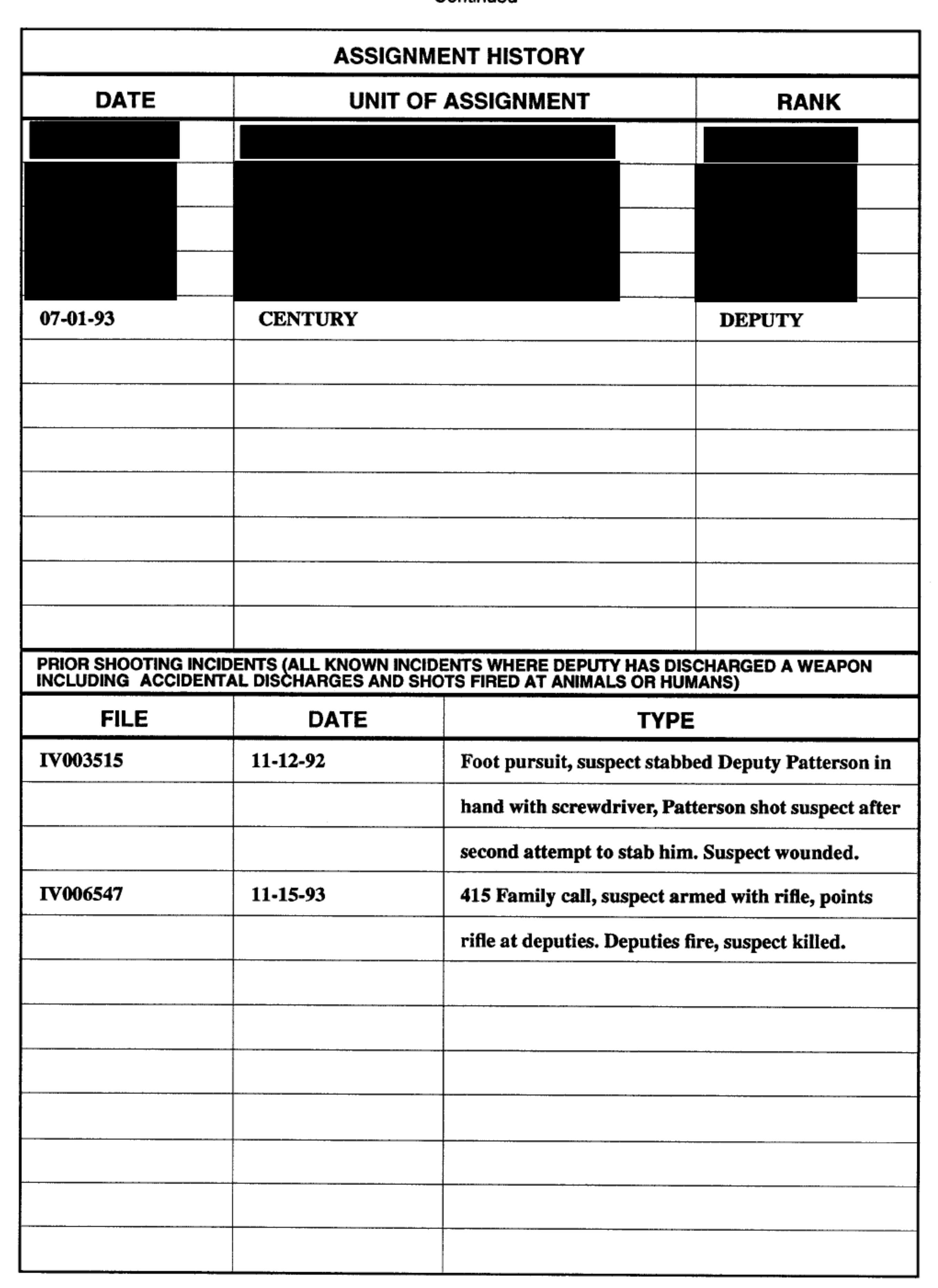
DEPUTY'S TOXICOLOGY

UNDER THE INFLUENCE	TEST FOR CAUSE ORDERED	ORDERED BY
N/A	NO	N/A

TRAINING INFORMATION

LASER VILLAGE TRAINING (LAST DATE)	PRACTICAL POLICE COURSE (LAST DATE)
[redacted]	[redacted]

DEPUTY INVOLVED
Continued



ASSIGNMENT HISTORY		
DATE	UNIT OF ASSIGNMENT	RANK
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
07-01-93	CENTURY	DEPUTY

PRIOR SHOOTING INCIDENTS (ALL KNOWN INCIDENTS WHERE DEPUTY HAS DISCHARGED A WEAPON INCLUDING ACCIDENTAL DISCHARGES AND SHOTS FIRED AT ANIMALS OR HUMANS)

FILE	DATE	TYPE
IV003515	11-12-92	Foot pursuit, suspect stabbed Deputy Patterson in
		hand with screwdriver, Patterson shot suspect after
		second attempt to stab him. Suspect wounded.
IV006547	11-15-93	415 Family call, suspect armed with rifle, points
		rifle at deputies. Deputies fire, suspect killed.

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

DEPUTY INVOLVED

SHOOTER

EMPLOYEE'S NAME		
SAKABU, George		

RANK	EMPLOYEE NO.	UNIT AND DIVISION / REGION OF ASSIGNMENT
Deputy	[redacted]	Century Station / Field Operations Region II

SEX	RACE	HEIGHT	WEIGHT	DATE OF BIRTH	AGE
M	White	5'11"	185	[redacted]	[redacted]

DUTY STATUS	HIRE DATE
On duty	02-06-85

UNIFORM	RAID JACKET	PLAIN CLOTHES	VEST
YES	NO	NO	YES

INJURED	DECEASED	CORONER'S CASE NO.
NO	N/A	N/A

DESCRIPTION OF INJURIES
NONE

WAS THE DEPUTY IMMEDIATELY REMOVED FROM THE SCENE? YES [X] NO [ ]

WAS THE DEPUTY SEQUESTERED PRIOR TO THE INTERVIEW? YES [X] NO [ ]
WHERE? CENTURY STATION
SUPERVISED BY: SGT. JOHN MCQUAY AND SGT. DAVE FORMANSKI

WEAPON USED

TYPE	AUTHORIZED
BERETTA 9MM, MODEL 92F	YES

AMMUNITION TYPE	AUTHORIZED
WINCHESTER 9MM, LUGER	YES

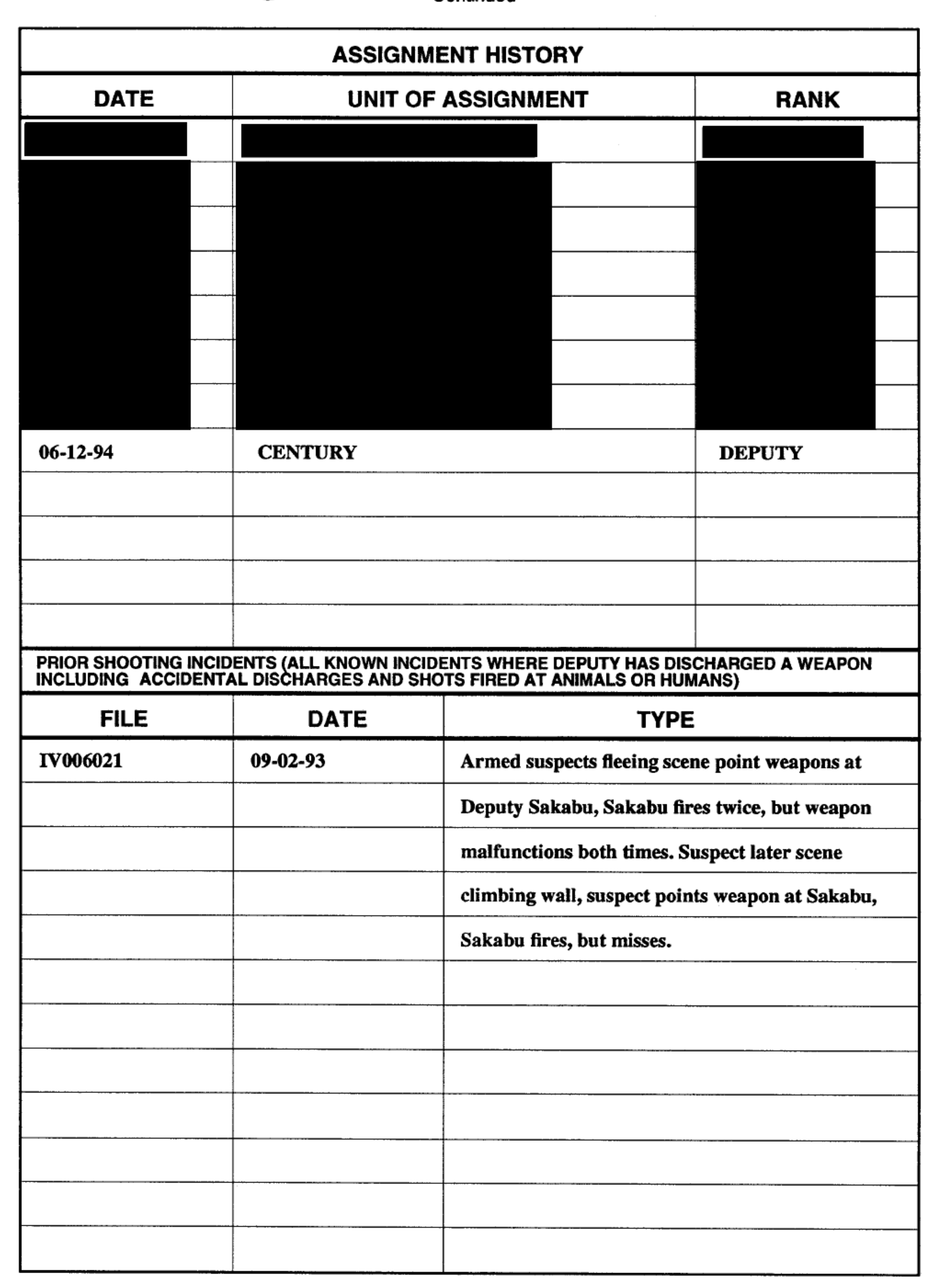
RANGE QUALIFICATION (LAST DATE)	NO. OF ROUNDS FIRED BY DEPUTY	NO. OF HITS
[redacted]	6	UNKNOWN

DEPUTY'S TOXICOLOGY

UNDER THE INFLUENCE	TEST FOR CAUSE ORDERED	ORDERED BY
N/A	NO	N/A

TRAINING INFORMATION

LASER VILLAGE TRAINING (LAST DATE)	PRACTICAL POLICE COURSE (LAST DATE)
[redacted]	[redacted]



ASSIGNMENT HISTORY

DATE	UNIT OF ASSIGNMENT	RANK
[redacted]	[redacted]	[redacted]
06-12-94	CENTURY	DEPUTY

PRIOR SHOOTING INCIDENTS (ALL KNOWN INCIDENTS WHERE DEPUTY HAS DISCHARGED A WEAPON INCLUDING ACCIDENTAL DISCHARGES AND SHOTS FIRED AT ANIMALS OR HUMANS)

FILE	DATE	TYPE
IV006021	09-02-93	Armed suspects fleeing scene point weapons at Deputy Sakabu, Sakabu fires twice, but weapon malfunctions both times. Suspect later scene climbing wall, suspect points weapon at Sakabu, Sakabu fires, but misses.

LOS ANG ES COUNTY - SHERIFF'S D PARTMENT

DEPUTY INVOLVED

SHOOTER

EMPLOYEE'S NAME		
WHITE, Daniel		

RANK	EMPLOYEE NO.	UNIT AND DIVISION / REGION OF ASSIGNMENT
Deputy	[redacted]	Century Station / Field Operations Region II

SEX	RACE	HEIGHT	WEIGHT	DATE OF BIRTH	AGE
M	White	5'10"	160	[redacted]	[redacted]

DUTY STATUS	HIRE DATE
On duty	12-09-80

UNIFORM	RAID JACKET	PLAIN CLOTHES	VEST
YES	NO	NO	YES

INJURED	DECEASED	CORONER'S CASE NO.
NO	N/A	N/A

DESCRIPTION OF INJURIES
NONE

WAS THE DEPUTY IMMEDIATELY REMOVED FROM THE SCENE? YES [X] NO [ ]

WAS THE DEPUTY SEQUESTERED PRIOR TO THE INTERVIEW? YES [X] NO [ ]

WHERE? CENTURY STATION

SUPERVISED BY: SGT. JOHN MCQUAY AND SGT. DAVE FORMANSKI

WEAPON USED

TYPE	AUTHORIZED
BERETTA 9MM, MODEL 92F	YES

AMMUNITION TYPE	AUTHORIZED
WINCHESTER 9MM, LUGER	YES

RANGE QUALIFICATION (LAST DATE)	NO. OF ROUNDS FIRED BY DEPUTY	NO. OF HITS
[redacted]	5 9mm 5 Shotgun	UNKNOWN

DEPUTY'S TOXICOLOGY

UNDER THE INFLUENCE	TEST FOR CAUSE ORDERED	ORDERED BY
N/A	NO	N/A

TRAINING INFORMATION

LASER VILLAGE TRAINING (LAST DATE)	PRACTICAL POLICE COURSE (LAST DATE)
[redacted]	[redacted]

ASSIGNMENT HISTORY		
DATE	**UNIT OF ASSIGNMENT**	**RANK**
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
07-01-93	CENTURY	DEPUTY

PRIOR SHOOTING INCIDENTS (ALL KNOWN INCIDENTS WHERE DEPUTY HAS DISCHARGED A WEAPON INCLUDING ACCIDENTAL DISCHARGES AND SHOTS FIRED AT ANIMALS OR HUMANS)

FILE	DATE	TYPE
IV002429	03-30-92	On-duty shooting. Deputy Yamamoto killed.

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

SUSPECT/SUBJECT

LAST NAME	FIRST NAME	M/I
KONRATH	Jeffrey	M

ADDRESS
[redacted]

SEX:	RACE	HEIGHT	WEIGHT	D.O.B.	AGE	DECEASED
M	White	6'03"	190	04-07-67	27	Yes

INJURED	DESCRIPTION OF INJURIES
N/A	N/A

SUSPECT'S TOXICOLOGY

UNDER THE INFLUENCE
Yes

TYPE OF SUBSTANCE	LAB TEST CONDUCTED
Alcohol .15	Blood

ARMED	TYPE OF WEAPON
Yes	Plastic Gun

NUMBER OF SHOTS FIRED BY SUSPECT	NUMBER OF HITS
None	None

SUSPECT VEHICLE
1985 Ford Mustang (White) License #[redacted]

CRIMINAL HISTORY (ATTACH COPY OF RAPS)
Attached

SUMMARY OF INCIDENT
See Narrative

TABLE OF CONTENTS

Officer Involved Shooting Evaluation

Incident Data

Shooting Classification

Involved Deputy Information

Suspect Information

Witness List

Case Narrative

Exhibits A through G

- Exhibit A - Reports of Incident.
- Exhibit B - Diagram and Photographs of Scene #1, "Sassony Plaza" mini-mall.
- Exhibit C - Diagram of "Broadway Hair Salon."
- Exhibit D - Diagram of Scene #1 with location of vehicles and deputies.
- Exhibit E - Diagram and photographs of Scene #2.
- Exhibit F - Diagram of Scene #2 with location of vehicles and deputies.
- Exhibit G - Autopsy report.

Miscellaneous Memos

LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF SPECIAL OPERATIONS • SPECIAL INVESTIGATIONS DIVISION

GIL GARCETTI • District Attorney
SANDRA L. BUTTITTA • Chief Deputy District Attorney
R. DAN MURPHY • Assistant District Attorney

ROBERT F. KUHNERT • Director

March 2, 1995

[redacted]
South Gate Police Department
8620 California Avenue
South Gate, California 90280

Captain Daniel L. Burt
Los Angeles County Sheriff's Department
Homicide Bureau
4700 Ramona Boulevard
Monterey Park, California 91754-2169

Dear [redacted] and Captain Burt:

Re: S.I.D. File Number: 100-7880/94-0541
L.A.S.D. File Number: 094-23893-2178-021

The Special Investigations Division of the District Attorney's Office for the County of Los Angeles has concluded its investigation and review of the November 5, 1994 fatal shooting of Jefferey Konrath, age 27, which occurred at [redacted] East Broadway, Walnut Park. The deputies involved in the shooting were Ernest Chavez, Michael Modica, Timothy Duerr, Chris Marks, Joseph Barbosa, Carlos Parga, Joseph Miskevics, George Sakabu, Howard Fuchs, Daniel White, Bruce Chase, Michael Hannemann, Michael Patterson and South Gate Police Officer [redacted]

Our office was notified of the shooting at 8:58 p.m. on November 5, 1994. Senior District Attorney Investigator [redacted] and Deputy District Attorney Randall Baron responded to the scene. They were given a walk-through of the crime scene and a brief summary of the events that led up to the shooting. They interviewed four witnesses at the crime scene, and the undersigned reviewed a 401-page officer involved shooting report prepared by Los Angeles County Sheriff's Department Homicide Bureau Detectives Haynes and Castillo, received on January 24, 1995. We have concluded that the actions taken by the above mentioned deputies on November 5, 1994 were reasonable and did not constitute a violation of criminal law. Therefore, we decline prosecution.

Criminal Courts Building
210 West Temple Street
Los Angeles, CA 90012-3275

SUMMARY OF THE FACTS

The following summary of the facts is based upon the above mentioned reports and interviews.[1] The reports include non-compelled taped statements, from all of the involved deputies, given to detectives from the Los Angeles County Sheriff's Department-Homicide Bureau on the night or early morning following the shooting.

This shooting involved 14 separate officers from two police agencies. The crime scene began at 7848 Pacific Boulevard (corner of Pacific Boulevard and East Broadway) and ended at [redacted] East Broadway, Walnut Park. These locations are approximately one and one half blocks from each other. This summary will, therefore, be separated into events which occurred at each location.

7848 Pacific Boulevard

On September 5, 1994 at approximately 7:30 p.m., [redacted] and [redacted] were working at the "Broadway Hair Styling" salon when the decedent, Konrath, entered the salon. Konrath produced what appeared to be a handgun and proceeded to rob the location and rape [redacted]

The Los Angeles County Sheriff's Department was notified, via a 911 call from [redacted] that there was an "armed robbery in progress" at the above location. Deputies responded immediately.

While deputies took secure positions around the location, Deputy Sakabu went to the door of the salon. Deputy Sakabu told Investigators Haynes and Castillo that the door to the business was locked. He saw a woman with a frightened look on her face and Konrath with his pants down. He said it was apparent that there was a rape in progress.

Deputy Sakabu ordered Konrath to show his hands. Konrath disappeared behind the counter and reappeared ten seconds later with his left arm around Ms [redacted] neck, holding what appeared to be a four inch blue steel revolver handgun to her head. Ms [redacted] was partially unclothed with her pants down around her ankles and her shirt and bra pulled up over her breasts.

[1] Due to the number of witnesses and police officers involved, the summary is based upon a review of all statements given to the Sheriff's detectives and District Attorney's investigator. There are no significant differences in any of the statements received as to these events.

Konrath unlocked the door to the salon and left the location with Ms. [redacted] Konrath began to drag Ms [redacted] south towards Broadway. He kept the gun to Ms. [redacted] head and repeatedly stated "Get back or I'll kill her!" Throughout, deputies continually ordered Konrath to drop the gun and let the hostage go.

Konrath continue to drag Ms. [redacted] toward a white Ford Mustang that was parked westbound on the north side of Broadway. As he went around the rear of the vehicle, he stopped and bent the rear license plate up so it could not be read. He then opened the driver's door and entered the vehicle, pulling Ms. [redacted] in on top of him. As Konrath attempted to drive away, numerous shots were fired by ten separate Deputy Sheriffs.

Of the ten deputies who fired, eight (Chavez, Marks, Parga, Chase, White, Modica, Fuchs and Patterson) told the Sheriff's investigators that they were firing at the tires of the vehicle in order to disable it. Each of them stated that they believed Konrath would kill Ms [redacted] if he were to get away.

Two deputies (Duerr and Hannemann) told investigators that they fired their weapons at the upper torso of Konrath. Deputy Duerr stated that he had a clear shot at Konrath just before he entered his vehicle. Based upon his observations of Konrath and the threats that were being made, he felt that Konrath was going to kill Ms [redacted] and any deputies who tried to stop him. Deputy Duerr fired one shot at the upper torso of Konrath, but Konrath entered the vehicle and drove away without any indication he had been shot.

Deputy Hannemann said that he fired his weapon at the upper torso of Konrath just as Konrath was pulling away from the scene in his vehicle. He said he felt that Konrath was going to kill the hostage and other deputies. Since he believed he had a clear shot, he fired three rounds in an attempt to keep Konrath from escaping.

[redacted] East Broadway

All four tires of the white Ford Mustang were flattened by the deputies' shots. The Mustang moved slowly (10 to 20 mph) eastbound on Broadway. It collided with a chain link fence at [redacted] East Broadway and came to a stop. Numerous Sheriff's Deputies and one South Gate patrol unit followed the Mustang to this location.

Konrath got out of his vehicle with his left arm around Ms [redacted] neck. Due to Konrath's position and the poor lighting conditions, a single street light with trees covering the driveway area, the deputies were unable to see if there was still a weapon in his right hand. Deputies were yelling "Drop the girl! Drop the gun!"

Konrath waited a few seconds and then began dragging Ms [redacted] up the driveway toward the residence. Ms. [redacted] fell to the ground, and Konrath turned and began to run up the driveway. After three or four steps, he turned to look back over his left shoulder. Believing that Konrath was about to shoot at the deputies or Ms. [redacted] ten deputies (Chase, Hannemann, Marks, Barbosa, Parga, Miskevics, Chavez, Modica, Sakabu and Fuchs) and South Gate Police Officer [redacted] began firing their weapons at Konrath.

As the shots were being fired Deputy Duerr and Deputy Modica went around the Mustang and pulled Ms. [redacted] out of the line of fire. Konrath fell to ground, face up with his feet toward the officers. Once on the ground, Konrath continued to move his hands toward his waist area. All of the officers, except for Deputy Modica and Duerr, continued firing until Konrath stopped moving.

Konrath was pronounced dead at the scene. An Autopsy was performed by Los Angeles County Department of Coroner Deputy Medical Examiner Solomon L. Riley, Jr., M.D. Dr. Solomon determined the cause of death to be "Multiple Gunshot Wounds." There were 27 separate gunshot wounds located on the decedent.

WEAPONS

No weapons were recovered from Konrath. A search of his vehicle did reveal the following: One silver plastic revolver replica, with "Pony Boy" written on it, was recovered from the right front floorboard. One black plastic revolver replica was recovered from beneath the driver's seat adjacent to the door. Metal knuckles with a folding single edge blade were recovered from the floorboard between the driver's seat and door.

LEGAL ANALYSIS

The deputies in this instance were justified in firing their weapons at Konrath under the following legal theories: self-defense; defense of others and the right of a police officer to use force in apprehending a fleeing felon.

California law permits the use of deadly force in one's self-defense or in the defense of another if it reasonably appears to the person claiming the right of self-defense or the defense of another that he actually and reasonably believed there was imminent danger of great bodily injury or death. People v. Williams (1977) 75 Cal. App. 3d 731. In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. California Jury Instructions -- Criminal (CALJIC) 5.30. 5.32.

Actual danger is not necessary to justify the use of deadly force. If one is confronted by the appearance of danger which one believes, and a reasonable person in the same position would believe, would result in death or great bodily injury, one may act upon those circumstances. The right of self-defense or defense of another is the same whether the danger is real or merely apparent. People v. Toledo (1948) 85 Cal. App. 2d 577.

The Supreme court clarified the standard that must be used in evaluating an officer's conduct in Graham v. Connor, (1989) 490 U.S. 386, 396, 397:

> The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with 20/20 vision of hindsight . . . The calculus of reasonableness must embody the fact that police officers are forced to make split second judgements about the amount of force that is necessary in a particular situation in circumstances that are tense, uncertain, and rapidly evolving.

California law also permits the use of deadly force by police officers when necessary to effect the arrest of a person who has committed a forcible and atrocious felony which threatens death or serious bodily harm. Crimes of violence, such as armed robbery, rape and kidnapping, are considered forcible and atrocious crimes. Kortum v. Alkire (1977) 69 Cal. App. 3d 325; People v. Ceballos (1974) 12 Cal. 3d 470; Tennessee v. Garner (1985) 105 S.Ct. 1694.

CONCLUSION

When Konrath exited Broadway Hair Styling, holding what appeared to be a gun to Ms [redacted] head he demonstrated an imminent danger to Ms [redacted] and to the deputies who were in the area. Konrath's intentions became even more clear when he repeatedly told the deputies that he would kill Ms [redacted] Further, it was reasonable, based upon the armed robbery call, the condition of Ms [redacted] clothing, and Konrath's actions, for the deputies to believe that Konrath had just committed and was still in the process of committing rape and kidnapping, atrocious crimes. They were therefore justified in firing their weapons, either to stop Konrath himself, or to disable his vehicle.

When Konrath got out of his vehicle at the Broadway location he still presented an immediate threat to the safety of Ms [redacted] and to the deputies. Konrath's prior actions and the manner in which he was holding Ms [redacted] would lead a reasonable person to believe Konrath was still armed. Konrath's refusal to submit to authority

either at the first location or immediately upon exiting his car would indicate to a reasonable person that Konrath was going to try to escape by violent means. Therefore, when Konrath ran and then turned towards the officers, it was reasonable for them to believe he was going to shoot either them or Ms. [redacted] Based upon that belief it was reasonable to shoot Konrath and to continue firing their weapons until it was clear that he no longer presented an imminent danger.

Accordingly, we conclude that the officer involved shooting by the above mentioned Deputy Sheriffs and South Gate Police Officer was reasonable and justified. This office will take no further action and we consider the matter closed.

Very truly yours,

GIL GARCETTI
District Attorney

R. DAN MURPHY
Assistant District Attorney

By

RANDALL J. BARON
Deputy District Attorney
(213) 974-2339

c: Deputy Chavez, Serial Number [redacted]
Deputy Duerr, Serial Number [redacted]
Deputy Chase, Serial Number [redacted]
Deputy Hannemann, Serial Number [redacted]
Deputy Modica, Serial Number [redacted]
Deputy White, Serial Number [redacted]
Deputy Sakabu, Serial Number [redacted]
Deputy Marks, Serial Number [redacted]
Deputy Miskevics, Serial Number [redacted]
Deputy Fuchs, Serial Number [redacted]
Deputy Parga, Serial Number [redacted]
Deputy Barbosa, Serial Number [redacted]
Deputy Patterson, Serial Number [redacted]
South Gate Police Officer [redacted]